IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21332 of 2004

Between:

M.M.M.Babu, s/o M.Krishna Murthy Raju,
E.58973, r/o IV-29A-24D, Indiranagar, Madanapalli,
Chittoor District 517 325.

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation,
rep., by its Regional Manager,
Chittoor region, Tirupati, Chittoor District.
2 Divisional Manager, APSRTC, Chittoor Division, Chittoor.
3 Depot Manager, APSRTC, Pileru Depot, Pileru,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ (i) declaring the proceedings No.Steno/163(2)/80-PLR. dated 26-10-1983 in imposing the reduction of pay by two incremental stages for a period of two years having an effect on future annual increments as illegal and arbitrary; (ii) declare the proceedings No.Steno/19(109)/2002-DVM (c) dated 29-11-2002 of the appellate authority and (iii) declare the proceedings No.PA/20(35)/2003-rm dated 21-05-2003 as illegal and arbitrary; and consequently set aside the same.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21332 of 2004

ORDER:

Challenging the proceedings No.Steno/163(2)/80-PLR, dated 26-10-1983 in imposing the reduction of pay by two incremental stages for a period of two years having an effect on future annual increments, the present writ petition is filed.

2. The learned counsel for the petitioner contended that since the deferment of increment with cumulative effect is a major penalty, which cannot be imposed without conducting an enquiry. Therefore, the impugned proceedings under challenge are per se illegal. Hence, he prays to allow the writ petition.

3. The facts are not in dispute. The impugned proceedings have been passed on 26-10-1983, since then i.e., for about twenty years; the petitioner did not pursue his remedies thereafter. After a long lapse of twenty years, he filed an appeal before the Divisional Manager, the same was rejected on the ground that the appeal is treated as time barred and again the petitioner filed review petition before the Regional Manager, the same was also rejected. However, the petitioner has failed to explain the reason of whatsoever for coming to this Court by filing the writ petition after twenty years.

4. Taking all these things into consideration, I am of the considered view that the writ petition is liable to be dismissed on the ground of latches on the part of the petitioner in filing the writ petition.

5. Accordingly, the writ petition is dismissed. No costs.

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January 19, 2005

Kvr

To

1 The Regional Manager, Andhra Pradesh State
Road Transport Corporation,
Chittoor region, Tirupati, Chittoor District.
2 The Divisional Manager, APSRTC, Chittoor Division, Chittoor.
3 Depot Manager, APSRTC, Pileru Depot, Pileru,
Chittoor District.

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